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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8195

UNITED STATES OF AMERICA,

Plaintiff,

v.

Harry Leroy LYONS

Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF


21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)

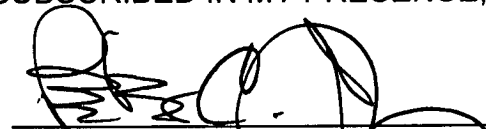
The undersigned complainant being duly sworn states:

That on or about February 29, 2008, within the Southern District of California, defendant Harry Leroy LYONS did knowingly and intentionally import approximately 36.96 kilograms (81.31 pounds) of cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Probable Cause Statement incorporated herein by reference.


BRANDON M. WOOD
Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3rd,
DAY OF MARCH 2008.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, Special Agent Brandon Wood, declare under threat of perjury, the following to be true and correct.

On February 29, 2008 at approximately 2110 hours, Harry Leroy LYONS entered the United States at the Calexico, California, West Port of Entry. LYONS was the driver of a 2001 Ford F-150 with California license plate 8H08096. Customs Border Protection Canine Officer (CEO) J. Jones was conducting a pre-primary roving operation with his assigned Human-Narcotics Detector Dog (HNDD) when his HNDD alerted to a 2001 Ford F-150 with California license plate 8H08096. CEO J. Jones advised the primary officer, Customs and Border Protection Officer (CBPO) E. Garcia of the positive alert of the vehicle.

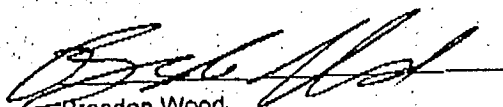
CBPO E. Garcia questioned the driver of the vehicle, LYONS, who gave a negative Customs declaration. During questioning, CEO J. Jones pulled back the panel to the rear driver's side door of the vehicle and saw what appeared to be a black package. CEO J. Jones advised CBPO E. Garcia and CBPO E. Garcia escorted LYONS to the vehicle secondary lot where he was detained.

CBPO J. Carp drove LYONS's vehicle from the primary lanes to the vehicle secondary lot. In the vehicle secondary lot, CBPO J. Carp further inspected the vehicle revealing several packages inside the rear driver's side door. One package was probed which produced a white powdery substance that field tested positive for cocaine, a Schedule II Controlled Substance. Upon further inspection by CBPO J. Carp, four (4) packages were removed from the driver's side door, three (3) packages were removed from the rear passenger side door, fifteen (15) packages were removed from the rear tail gate and seven (7) packages were removed from behind the rear seat. A total of 29 packages were removed from the vehicle weighing 36.96 kilograms.

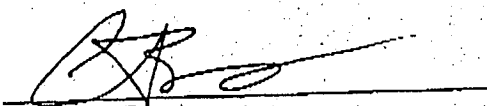
Special Agents Wood and Torregrosa advised LYONS of his rights and LYONS waived his right to have an attorney present during questioning. Special Agents Wood and Torregrosa conducted an interview of LYONS. During the interview LYONS admitted that he was to be paid \$1000 for smuggling a controlled substance in his vehicle from Mexico to an undisclosed location in the United States.

LYONS was placed under arrest and booked into the Imperial County Jail pending his initial appearance before a U.S. Magistrate Judge.

Executed on March 1, 2008 at 1300 hours.


Brandon Wood
SPECIAL AGENT

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant(s) named in the probable cause statement committed the offense on 2/29/08 in violation of Title 21, United States Code, Section(s) 952 + 950


Cathy Ann Bencivengo
United States Magistrate Judge

3/01/08 @ 2:15 pm
Date/Time